IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.477 OF 2007

Saquib Abdul Hamid Nachan ..Applicant
V/s
The State of Maharashtra ..Respondent.

Mrs. Nasreen Ayubi, Advocate appointed for the applicant.

Mrs.V.R. Bhosale, APP for the State.

CORAM : J.H. BHATIA, J.

DATE : 11TH APRIL, 2007.

P.C.

. Heard Mrs.Nasreen Ayubi, learned Counsel for the applicant and Mrs. Bhosale, learned APP for the State. Perused the impugned order passed by the learned Principal Sessions Judge, Greater Bombay in Mis. Application No.96/2006 and a group of other applications in Sessions Case No. 403/2006.

2. The present applicant and some other accused were arrested in Crime NO.I-69/2002 registered at Bhiwandi Taluka Police station for the offence of murder. Later on the case was transferred to DCB, CID, Mumbai and the matter was registered as Crime

No.52/2003. During the investigation, it was revealed that a motorcycle was stolen away from the local limits of Kandivali (West) Police station, which is part of Bombay Metropolitan area. The culprits went from Bombay to Bhiwandi by the same motorcycle and committed the offence of murder. A question arose as to whether both these matters i.e. one pertaining to theft of motorcycle and another to the murder should be tried jointly and that too by the Additional Sessions Judge, Mumbai. After hearing the parties the learned Sessions Judge, Mumbai came to the conclusion that both the offences were the part of the same transaction and though they were committed in two different jurisdictions, they are continuous offences. By these observations, the application challenging the joint trial and jurisdiction of Sessions Court Mumbai to try the murder case came to be rejected. Against that order the present applicant, who is original accused No.2, has preferred the application through jail, which may be treated as application under Section 482 of Cr.P.C.

3. After going through the facts of the case and the reasons given by the Sessions Court, learned Advocate for the applicant concedes that it is difficult

to find any fault with the impugned order. I find that in view of the given facts, all the accused persons can be charged and tried together, in view of the provisions of section 220 of Cr.P.C. There is no substance in the present application and application stands dismissed summarily.

(J.H. BHATIA, J.)